IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.546 OF 2006

IN

SUMMARY SUIT NO.2602 OF 2006

Kamini P.Gahirwal. ...Plaintiff.

vs.

1. Om Prakash Nihlani & another. ...Defendants.

Mr.Bhaven Bhatia i/b. Bipin Joshi, for Plaintiff.

Defendant nos.1 and 2 present.

CORAM: D.K.DESHMUKH,J.

DATED: 13th February, 2007.

P.C.:-

1. Admittedly, the summons for judgment has been served on both the defendants on 29.1.2007. Within 10 days as required by the provisions of Order 37 of the Civil Procedure Code, they have not applied for leave to defend. Both the defendants are present in the Court. I have heard both the defendants. I have also heard the learned Counsel appearing for plaintiff. Perused the record. In the absence of

any application being made by the defendants within the time allowed by Order 37 of C.P.C., in terms of Order 37 of C.P.C. the plaintiff is entitled to a decree.

2. Perused the record. Suit of the plaintiff is based on the demand promissory note. When the demand notice was issued to the defendants they sought inspection of the promissory note. The plaintiff gave reply and offered inspection of the document, but they did not respond. In my opinion, therefore, the defendants are not entitled to any leave to defend because they have not applied for any leave to defend within 10 days. The summons for judgment is granted. Suit of the plaintiff is decreed in terms of prayer clause (a) and (b). Refund of Court fees as per rules.